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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12
13 ELKO, INC., a Wyoming corporation,

14 Plaintiff,

15 v.

16 COREY PETERS, an individual; YOLANDA
17 PEREZ, an individual; JOHN MONTGOMERY,
an individual; MATTHEW KEIS, an individual;
18 WTH COMMERCIAL SERVICES, LLC, a
19 Delaware limited liability company; WYNNE
TRANSPORTATION, LLC, a Delaware limited
20 liability company; WYNNE TRANSPORTATION
HOLDINGS, LLC, a Delaware limited liability
21 company; COASTAL CREW CHANGE
22 COMPANY, LLC, a Delaware limited liability
company; MOUNTAIN CREW CHANGE
23 COMPANY, a Delaware entity; GEMINI
INVESTORS, INC., a Delaware corporation,

24 Defendants.
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Case No. 3:22-cv-00015-MMD-CLB

**STIPULATION AND ORDER TO (A)
ALLOW PLAINTIFF TO FILE AN
AMENDED COMPLAINT; (B) EXTEND
THE DEADLINE FOR DEFENDANTS
TO FILE RESPONSIVE PLEADINGS;
AND (C) CHANGE CASE CAPTION**

STIPULATION

Plaintiff Elko, Inc. (d/b/a Coach Elko), and Defendants Corey Peters and Wynne Transportation Holdings, LLC (“WTH Holdings”) stipulate as follows:

1. Coach Elko’s Complaint and Request for Injunctive Relief was filed on January 10, 2022. (ECF No. 3)

2. The parties stipulated to extend the deadline for Peters, Wynne Transportation, and other named defendants to answer or otherwise respond to the Complaint to March 7 because Coach Elko was evaluating the Court’s Order regarding its motion for injunctive relief, and determine whether certain claims or parties should be dismissed. (ECF No. 36, ¶ 5)

3. On February 25, Coach Elko voluntarily dismissed without prejudice its claims against Defendant Yolanda Perez, John Montgomery, Matthew Keis, WTH Commercial Services, LLC, Wynne Transportation, LLC, Coastal Crew Change Company, LLC, Mountain Crew Change Company, and Gemini Investors, Inc. (ECF No. 47) Thus, the only remaining defendants named in this action are Peters and WTH Holdings.

4. Coach Elko has expressed a desire to amend its Complaint to focus its claims and issues to the remaining parties—Peters and WTH Holdings. (ECF No. 48) The parties have agreed that it is more efficient and a better use of judicial resources for Peters and WTH Holdings to file their respective responsive pleading 14 days after an amended Complaint is filed by Coach Elko.

5. Coach Elko’s ability to amend its Complaint without seeking leave has passed. *See* Fed. R. Civ. P. 15(a). But Peters and WTH Holdings stipulate to allow Coach Elko to file an amended Complaint against Peters and WTH Holdings. The parties have agreed that Coach Elko will file its amended Complaint within 14 days after entry of the Order approving this Stipulation. Once an amended Complaint is filed, Peters and WTH Holdings will have 14 days to file their respective responsive pleading.

6. Because Coach Elko has voluntarily dismissed certain defendants without prejudice, the remaining parties also stipulate that the caption in this matter be changed to remove the dismissed defendants as follows:

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ELKO, INC., a Wyoming corporation,

Case No. 3:22-cv-00015-MMD-CLB

Plaintiff,

v.

COREY PETERS, an individual; and WYNNE
TRANSPORTATION HOLDINGS, LLC,

Defendants.

IT IS SO STIPULATED.

Dated: March 25, 2022

/s/ Jon T. Pearson

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*Counsel for Defendant
Wynne Transportation Holdings, LLC*

/s/ Joshua Sliker

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*Counsel for Defendant
Corey Peters*

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ORDER

Having reviewed the Stipulation, and good cause appearing,

IT IS ORDERED that:

1. The Stipulation is **APPROVED**.
2. Leave to file an amended Complaint is **GRANTED**.
3. Plaintiff Elko, Inc. shall file its amended Complaint against Defendants Corey Peters and Wynne Transportation Holdings, LLC within 14 days of entry of this Order.
4. Within 14 days after the filing of the amended Complaint, Defendants Corey Peters and Wynne Transportation Holdings, LLC shall file their respective answer or otherwise respond to the amended Complaint.
5. The Clerk of the Court is directed to change the caption to reflect the remaining parties to this lawsuit as indicated in paragraph 6 above.

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

Dated: March 28, 2022